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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,716	06/23/2003	Ralph Silva		5869
7590	08/08/2005		EXAMINER	
Steven W. Webb 655 Second Street Encinitas, CA 92024			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/600,716	SILVA, RALPH
	<b>Examiner</b> Laura C. Cole	<b>Art Unit</b> 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 July 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \*    c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Silverman et al., USPN 6,637,064.

Silverman et al. disclose the claimed invention including a main body (130) and a face plate (135), the main body in the shape of a flattened cylinder (see Figure 5), the face plate in the shape of a flattened cylinder (see Figure 5), the face plate attached removably to the main body by the means of a lock ring (140; Column 5 Lines 48-50), the face plate and main body each possessing a cable guide hole (145; see Figures),

the face plate attached to the main body such that the cable guide hole of the face plate (which is unlabeled, shown in Figures) and the cable guide hole (145) lie over each other (see Figures 3-4), the face plate capable of rotating around the central hole of the main body (Column 6 Lines 34-35), the face plate possessing a control handle fixedly attached to the circumference of the face plate (220; Figure 5), the face plate possessing a plurality of piston screw access holes (141), the piston screw access holes in the shape of an elongated oval (see Figures, particularly Figure 5 in which the holes are not labeled), the main axis of the oval shape aligned with the radius of the circular faceplate (see Figures, particularly Figure 5 in which the holes are not labeled), the main body possessing a plurality of piston holes (150A, 150B, 150C), each of the piston holes cut through the main body from circumference to the cable guide hole of the main body (see Figures, particularly Figure 4), each piston hole containing a piston inserted removably into each piston hole (155), each piston possessing a piston screw removably attached to the piston (180), each piston screw positioned such that it protrudes through a cam screw hole cut in the flat surface of the main body (unlabeled, shown best in Figure 5), each cam screw hole connecting the surface of the main body with a piston hole (see Figure 5), each cam screw hole in the shape of an elongated oval (see Figure 5 and as shown in 3A), the long axis of the oval shape of the cam screw hole perpendicular to the radius of the main body (again unlabeled, see arrangement as shown in Figure 3A), the piston screw holes of the face plate and can screw holes of the main body positioned such that one piston screw hole is placed over one cam screw hole when the face plate and main body are connected to each other

(see Figure 3A), the piston screw protruding through the cam screw hole and through the corresponding piston screw hole (see Figures 3, 3A), each piston capable of being rotated around its long axis within the piston hole by means of grasping a control handle fixedly attached to the face plate circumference and turning the face plate around the guide hole until the piston screws reach the end of the cam screw holes (Column 6 Lines 34-51), the motion of the piston screws forcing each piston to turn around its long axis within the piston hole (axis "162"; Column 6 Lines 42-47), each piston possessing a central end near the cable guide hole (unlabeled upper portion of "160", see Figures 6A-6B), the central end of each piston possessing cams fixedly attached to the piston (165), the cams configured to grasp a plumbers snake cable (115), the direction of motion of the plumbers snake cable through the cable guide hole controlled by the orientation of the cams on each piston and the orientation of the cams on each piston controlled by the rotational orientation of the piston (Column 6 Lines 42-63), an adjustment screw handle inserted through the circumference of the main body (215; see Figures 4-4A) and connected removably to a piston (see Figures 4-4A), the adjustment screw handle threaded in such a manner that rotating the adjustment screw handle moves the piston connected to the adjustment screw handle away from the circumference of the main body and towards the cable guide hole of the main body (Column 6 Lines 23-33), the plumbing cable guide capable of being used (Column 6 Lines 15-63).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 4,580,306 to Irwin operates very similarly and has many of the claimed elements of the present invention, however the main body is not in a shape of a flattened cylinder.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK SPISICH  
PRIMARY EXAMINER  
GROUP 0400

LCC  
LCC  
04 August 2005

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